

REMARKS

This Amendment is being filed in response to the Office Action mailed October 30, 2007 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

In the Office Action, the Examiner objected to claims 1-14 for including reference numerals. In response, claims 1-14 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', changing "characterized in that" to --wherein--, and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Claims 1-14 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. It is respectfully submitted that the objection to claims 1-14 has

been overcome and withdrawal of this objection is respectfully requested.

In the Office Action, claims 1-6 and 13-14 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2003/0063583 (Padovani) in view of U.S. Patent No. 5,633,874 (Diachina). Further, claim 7 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Padovani in view of Diachina and U.S. Patent No. 5,933,763 (Wang). Claim 8 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Padovani in view of Diachina and U.S. Patent No. 6,320,855 (Shi). Claims 9 and 11 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Padovani in view of Diachina, Wand, Shi and U.S. Patent No. 6,434,396 (Rune). Claims 10 and 12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Padovani in view of Diachina, Wand, Shi and U.S. Patent Application Publication No. 2002/0064167 (Khan). It is respectfully submitted that claims 1-25 are patentable over Padovani, Diachina, Wand, Shi, Rune and Khan for at least the following reasons.

On page 7 of the Office Action, the Examiner correctly noted that Padovani does not teach or suggest a secondary station that

transmits on an uplink channel a status signal to indicate receipt of the indicator signal before transmission of positive or negative acknowledgement to indicate the status of the received data packet. Diachina is cited in an attempt to remedy the deficiencies in Padovani.

Diachina is directed to a method for obtaining a report from a mobile station on the status of frames comprising an entire message transmitted to the mobile station is disclosed. First, a polling request is sent to the mobile station from a base station. The polling request specifies whether the mobile station should send the status report on a reservation basis (using a reserved frame) or on a contention basis (using an idle frame). In response to the polling request, a status report is sent from the mobile station to the base station. Next, the mobile station transmits a bit map to the communication system to indicate which frames have been correctly received by the mobile station at the point when it received the polling request.

It is respectfully submitted that Padovani, Diachina, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in

independent claims 3, 5, 14-15, 19, 21 and 24 which, amongst other patentable elements, requires (illustrative emphasis provided):

wherein the secondary station comprises means for transmitting on an uplink channel a status signal to indicate receipt of the indicator signal before transmission of a positive or negative acknowledgement to indicate the status of the received data packet.

These features are nowhere taught or suggested in Padovani, and Diachina, alone or in combination. Rather, Diachina discloses sending a status report in response to the polling request from the base station. There is no disclosure or suggestion in Diachina that the Diachina status report indicates "receipt of the indicator signal" "indicating that a data packet is scheduled to be transmitted on" as recited in independent claims 1, 3, 5, 14-15, 19, 21 and 24. Further, the bit map transmitted by the Diachina mobile station merely indicates which frames have been correctly received by the mobile. That is, the Diachina bit map is not an indication of the status of the very same data packet indicated in the indicator signal as being scheduled for transmission, as recited in independent claims 1, 3, 5, 14-15, 19, 21 and 24.

Further, the Diachina bit map is not an indication of the status of the very same data packet transmitted after the indicator

signal. That is, a primary station which is configured to transmit "an indicator signal followed by a data packet to the secondary station," as recited in independent claims 15, 19, 21 and 24, is nowhere taught or suggested in Padovani, Diachina, and combination thereof. Wand, Shi, Rune and Khan are cited to allegedly show other features and do not remedy the deficiencies in Padovani and Diachina.

Accordingly, it is respectfully submitted that independent claims 1, 3, 5, 14-15, 19, 21 and 24 should be allowable. In addition, claims 2, 4, 6-13, 16-18, 20, 22-23 and 25 should be allowable at least based on their dependence from independent claims 1, 3, 5, 15, 19, 21 and 24.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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Amendment in Reply to Office Action of October 30, 2007

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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